



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,756	02/03/2004	Kyung-geun Lee	1293.1993	8918
49455 7590 05/07/2008 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
ALUNKAL, THOMAS D				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
05/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/769,756	Applicant(s) LEE, KYUNG-GEUN
Examiner THOMAS D. ALUNKAL	Art Unit 2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 7, 8, 22-25, 27-31 and 33-35.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 2/12/08, 5/2/08
13. ☐ Other: _____.

/Thang V. Tran/
Primary Examiner
Art Unit 2627

/Thomas D Alunkal/
Examiner, Art Unit 2627

Regarding applicant's arguments beginning on page 6 and continuing on page 7 of Remarks, applicant argues that Seishaku fails to teach or suggest the novel features of claim 1, and therefore fails to cure the deficiencies of Ueda. The crux of applicant's argument is that Seishaku only discloses a BCA having a bar code recorded thereon and does not disclose a sequence of pits repeated in an area of the BCA other than the bar code. The Examiner respectfully disagrees. First, nowhere in the Seishaku document is there a disclosure of the repeated sync byte being disposed in a bar code. Therefore, the Examiner cannot concede the fact that synch byte of Seishaku is disposed in a bar code. Applicant has also provided a DVD-ROM specification which describes the BCA in the disc. The Examiner assumes that the applicant has provided this specification to provide further disclosure of the synch byte being disposed in a bar code of the BCA in Seishaku. However, Seishaku does not disclose that Drawing 2 is in any way the exact figure from the DVD-ROM specification. In addition, the Examiner also assumes that the DVD-ROM specification was provided to show evidence that the BCA only contains information in a bar code. To refute the latter assumption, the Examiner references Shimoda et al. (US PgPub 2001/0006575). In Paragraph 0092, Shimoda et al. clearly discloses a DVD-ROM disc that has a pit sequence in its BCA area. Shimoda et al. is further evidence used to refute applicant's disclosure of the DVD-ROM specification to limit the Seishaku reference as only having a synch byte disposed in a bar code. Furthermore, applicant argues that the synch bytes disclosed by Seishaku are not a sequence of pits repeatedly recorded. However, as cited in the previous Office Action, the synch bytes are not provided in a bar code and as further evidenced by Shimoda, are formed as pits. Therefore, the Examiner maintains the previous grounds of rejection provided in the Office Action, dated 1/30/08.